

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEON SMITH,

Plaintiff,

v.

HARRISON HOUSE,

Defendants.

CIVIL ACTION

NO. 19-1012

ORDER

AND NOW, this 13th day of January, 2020, upon consideration of Defendant Harrison House's Motion to Dismiss and briefing in support (ECF Nos. 28, 29) and Plaintiff's Response in Opposition (ECF No. 30), it is hereby **ORDERED** that Defendant's Motion to Dismiss is decided as follows:

1. Defendant's Motion to Dismiss Count I (Title VII Retaliation) is **GRANTED**. Count I is **DISMISSED WITHOUT PREJUDICE**;
2. Defendant's Motion to Dismiss Count II (Pennsylvania Human Relations Act Discrimination) is **GRANTED** as it pertains to disability discrimination. Count II's disability claim is **DISMISSED WITHOUT PREJUDICE**;
3. Defendant's Motion to Dismiss Count III (Pennsylvania Human Relations Act Retaliation) is **GRANTED**. Count III is **DISMISSED WITHOUT PREJUDICE**;
4. Defendant's Motion to Dismiss Count V (Americans with Disabilities Act Retaliation) is **GRANTED**. Count V is **DISMISSED WITHOUT PREJUDICE**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.